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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/098,691	03/14/2002	Paulina Glavich	0112300-994	5155

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EXAMINER
JONES, SCOTT E

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/098,691	GLAVICH ET AL.
	Examiner	Art Unit
	Scott E. Jones	3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 March 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 March 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-14, 17-18, and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Watts et al. (U.S. 5,775,692).

Watts et al. discloses a gaming machine having a base game and secondary game(s). A predetermined outcome in the primary game triggers a first secondary game. Additional stages in the secondary game(s) can be implemented that are not triggered by the predetermined outcome in the primary game. Watts et al. additionally discloses:

Regarding Claims 1, 6, 9, 12, 17 and 21:

- a display device (Fig. 1 (**2**) (**3**));
- a primary game displayed on the display device (Abstract. Column 1, lines 1-28);
- a set of reels in the primary game having a plurality of symbols (Abstract, Column 1, lines 1-16, and Fig. 1 (**10**));
- a first secondary game displayed on the display device (Abstract, Column 1, lines 1-67, and Fig. 1 (**3**));
- a set of reels in the first secondary game having a plurality of symbols which include at least one different symbol than the primary symbols (Column 2, lines 35-39);

- a second secondary game displayed on the display device (Abstract, Column 1, lines 1-67, and Fig. 1 (**3**));
- a processor causes the display device to display the set of reels in the primary game which are randomly determined, causes the display device to replace the set of reels in the primary game with the set of reels in the first secondary game when a first triggering event occurs in the primary game, randomly determines the secondary symbols indicated by the set of reels of the first secondary game, and causes the display device to replace the set of reels in the first secondary game with the second secondary game when a second triggering event occurs in the first secondary game, wherein the primary game does not include a triggering event which causes the processor to cause the display device to display the second secondary game (Abstract, Fig. 1, Column 1, line 1-Column 3, line 20).

Regarding Claims 2, and 7:

- a plurality of the secondary symbols of the first secondary game are different than the primary symbols (Column 2, lines 35-39).

Regarding Claims 3, 8, 10, 14, 18 and 22:

- all of the secondary symbols of the first secondary game are different than the primary symbols (Column 2, lines 35-39).

Regarding Claims 4, 9, 11, 13, and 21:

- the gaming device includes less secondary symbols of the first secondary game than the primary symbols (Column 1, lines 59-67, Column 2, lines 35-39).

Regarding Claim 5:

- the second secondary game includes second secondary symbols which are different than the secondary symbols of the first secondary game (Column 1, lines 59-67, Column 2, lines 35-39).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 15-16, 19-20, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watts et al. (U.S. 5,775,692).

Watts et al. discloses that as discussed above regarding Claims 1-14, 17-18, and 21-22. Watts et al. seems to lack explicitly disclosing that a gaming device is operated through a data network and/or wherein the data network is the Internet. However, operating gaming machines over a data network was well know to one having ordinary skill in the art at the time of the applicant's invention. Doing so provides an efficient and cost effective way to collect personal data from a game player or to reconfigure a gaming machine thereby possibly reducing the number of employees required to run a casino.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. DeMar et al. '660, Yoseloff '334, Weiss '971, and Anderson et al. disclose gaming machines having primary and secondary games wherein primary game symbols are replaces with secondary game symbols.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Scott E. Jones
Examiner
Art Unit 3713

SEJ
sej
June 27, 2002

V. Martin Wallace

VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700